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Platon N. Mandros  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

10

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/934,479

Applicant(s)

FUJIWARA ET AL.

Examiner

Jeffery A Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/11/04 & 3/04/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/11/04 has been entered.

***Response to Amendment***

2. The amendment filed on 02/11/04 has been entered.
3. The amendment made to claims 20, 23 and 26 overcomes the 112 second paragraph rejection of those claims.

***Response to Arguments***

4. Applicant's arguments filed 02/11/04 have been fully considered but they are not persuasive. Applicant alleges in the last paragraph on page 9 that since Fukui scans an entire document that Fukui does not extract less than an entire portion of the documents and reconstruct it into a specific shape based on the extracted portion which is less than the entire image. Applicant in the first paragraph on page 10 discusses amendments made to claims 1, 9, 17, and 27 which allegedly now claim the argued limitations. However, applicant should note that at page 9 lines 3-11 applicant scans the entire

document. Thus, Fukui and applicant do the same scanning of the entire document. At page 9 lines 12-23 applicants' system analyzes the scanned entire document for a mark added to the document by the user before the entire document is scanned, see mark 12 in figure 4. This aspect of applicants system is not found in the claims, even claims 18, 21 and 24. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Fukuis' figure 17 and column 8 lines 29-45 teaches scanning three pages of an entire document, processing blocks of the entire document, and reconstructing the blocks into a two page documents which is less than the original three page document. Thus, Fukui meets the limitation found in the amended claims. Applicant needs to further amend claims 1, 9, 17, and 27 to distinguish the claims from Fukui.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukui et al., U.S. Patent No. 5,179,650.

Both applicant's system and Fukui's system scans a newspaper or similar document, analyzes the document's characters, drawings, and photos, alters the block containing the characters which is a portion of the entire scanned image, and alters the layout of the characters in the altered block. Fukui further teaches with regard to figure 17 processing the character, drawings and photo blocks and reconstructing the character, drawings and photo blocks into an area of two pages which is less than the entire image of three pages. Applicant needs to further amend claims 1, 9, 17, and 27 to distinguish the claims from Fukui.

A detailed analysis of the claims follows.

Claim 1:

Fukui teaches an image processing device (*see figure 1*) comprising:  
extraction means (*scanner 10, column 3 lines 17-24 describes input unit 10 as a scanner*) for extracting one or more a document blocks (*Figure 17 shows several blocks of the image extracted to perform individual processing on each block.*), wherein each block contains a specific image (*column 3 lines 17-24 further describes article data which is character data, graphic data and image data*) to be processed (*the block containing the characters it to be processed*) from among a portion of an entire image (*Each block is from a portion of the image. Each block containing the characters or graphics or image is a portion of the entire scanned image.*);

recognition means for recognizing character code from a character image within the document block (*step 103 extracts numeral codes and other character like codes, column 4 lines 43-44, in Fukui's system scanner 10 scans the image of the document in order to be able to perform the analysis of the image data to determine key word and number of letters, character codes would have to be known for the article data, column 8 lines 11-28*);

reconstruction means for reconstructing the document blocks in a specific shape (*figures 15A, 15B, and 15C illustrates reconstructing the article block to better fit the document page, figure 2b illustrates a flowchart depicting the processing performed in the means of figure 1 for determining the layout article block*) based on the extracted document blocks (*the block containing the characters is an extracted document block portion of the entire scanned image*), wherein the reconstructed document blocks are together less than the entire image (*Figure 17 shows and column 8 lines 29-45 describes how the scanned blocks on the three pages are reorganized by the processing onto two pages. Thus the blocks of the entire image are now reconstructed into less than the entire image of three pages.*); and

layout means for laying out character code data corresponding to the character code recognized by the recognition means within the reconstructed document blocks

*(the article data represented by numeral codes, character codes, is laid out to fit the reconstructed article block).*

The discussion of claims 2-27 is the same as provided in paper no. 6 with the exception that the amendment to claims 20, 23 and 26 is reflected in the discussion of claims 20, 23 and 26.

Claim 2:

Fukui teaches an image processing device as claimed in claim 1, wherein

the extraction means extracts a plurality of document blocks (*column 3 lines 27-43 describes the many blocks in the image, titles, headers, articles, sections*), and

the reconstruction means arranges the plurality of extracted document blocks into a single block (*see figures 15A, 15B, and 15C*) reconstructed to the specific shape (*one page of the document*).

Claim 3:

Fukui teaches an image processing device as claimed in claim 1, wherein the specific image includes a character image of a headline (*title*) and a character image of body text (*article corresponding to the title*) corresponding to the headline.

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Claim 4:

Fukui teaches an image processing device as claimed in claim 3, further comprising headline character (*title*) arrangement means (*steps 115-118*) for arranging character code data corresponding to the character image of the headline at a specific position within the reconstructed document block.

Claim 5:

Fukui teaches an image processing device as claimed in claim 1, wherein the reconstruction means adjusts a vertical or horizontal dimension (*figures 15A, 15B, and 15C show one long column becoming two columns of the same vertical and horizontal dimensions*) of the document block to a length approximating a natural integer multiple of a length (*vertical or horizontal*) of one column of multiple columns formed within the document block.

Claim 6:

Fukui teaches an image processing device as claimed in claim 1, further comprising file generation means for generating an electronic file storing the character code data laid out by the layout means (*display unit 90 displays the output of step 119, since figure 2b performs many processes on many characters, see step 113, before step 119 occurs an electronic file for storing the character codes is needed to accumulate the results of the steps 111-118*).

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Claim 7:

Fukui teaches an image processing device as claimed in claim 1, further comprising a printer (*column 4 line 13*) for printing the character code data laid out by the layout means (*column 7 lines 64-68*) on recording substrate (*inherently the printer prints on paper which is a recording substrate since the paper maintains the image of the characters*).

Claim 8:

Fukui teaches an image processing device as claimed in claim 1, further comprising a reader (*column 3 line 23 describes data input unit 10 as a scanner which inherently is a reader of images on a substrate*) for optically reading (*since the documents scanned are readable by humans then the scanner is optical*) an image (*illustrated in figures 3A, 3B and 3C*) of a document to obtain the image data to be processed.

Claim 9:

Claim 9 is a program for causing a computer to execute image processing claim which corresponds to image processing device claim 1 and claims the same functions that claim 1 claims, thus, claim 9 is rejected for the reasons given for claim 1. This application is directed to computers, see column 1 lines 17-25, additionally Fukui's figure 1 illustrates a computer since it computes and the flowcharts illustrated in Fukui's figures 2a and 2b represent a program that controls the computer of figure 1.

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Claims 10-16:

Claims 10-16 correspond respectively to claims 2-8, thus, claims 10-16 are rejected for the reasons given for claims 2-8.

Claim 17:

Claim 17 is an image processing method claim corresponding to the functions performed by computer program claim 9 and image processing device claim 1, thus, claim 17 is rejected for the reasons given for claims 1 and 9.

Claims 18, 21 and 24:

Fukui at column 3 lines 17-24 and 27-43 describes the input data as article data, graphic data and image data which are classified according to distinct physical, structural, and denotative characteristics of different parts of a document to be edited. Column 5 lines 4-9 and column 8 lines 29-45 described detecting various areas of the scanned document and processing each area separately to fit resized blocks. Each of the different areas of the document corresponding to different articles, graphics, and images are visually different from each other. For example an image such as element 6 and another image such as element 7 illustrated in figure 17 are visually different, thus, they are a marked portion of the entire image. Therefore, Fukui teaches the claimed wherein the extracted document block is a marked portion of the entire image. This claim broadly claims a marked portion, thus, the visual differences between a portion of

the image having text and a portion of the image having a figure meets the limitation of marked. The claim does not claim the specific mark described at page 9 lines 12-23.

Claims 19, 22 and 25:

Column 4 lines 31 to column 5 line 3 discusses steps 102-104 which analyzes the title and the document, thus, Fukui teaches analyzing the title and body of text as a character block while the graphics and image blocks are analyzed in different portions with regard to the discussion of figure 17 at column 8 lines 29-45. Therefore, Fukui teaches the claimed wherein the extracted document block also includes a photographic image area that is extracted and laid out with the character code data.

Claims 20, 23 and 26:

Column 5 lines 4-11 describes a document formed by articles which is character data and graphics which is at least photographic image data as being processed to form a document with graphic data and character data. Therefore, Fukui teaches the claimed wherein the extracted document block also includes a photographic image area that is extracted and laid out with the character code data.

Claim 27:


This claim is an device claim version of claim 1 which claims the same functions that claim 1 claims. This claim is rejected for the reasons given for claim 1. Additionally

Fukui teaches the unit limitations of the claim because Fukui is a apparatus that is formed of units performing functions.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Uchida, U.S. Patent No. 6,704,467, teaches selecting a block form among a portion of a scanned image.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is 703-305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jeffery A Brier  
Primary Examiner  
Art Unit 2672